

REMARKS

This amendment is responsive to the Office Action of July 5, 2005. Reconsideration and allowance of claims 1-15 are requested.

The Office Action

Claims 1-7, 10, and 15 stand rejected under 35 U.S.C. § 102 as being anticipated by Astier (US 5,480,175).

Claims 8 and 9 stand allowed.

Claims 11-14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Astier.

The Present Application

In the present application, a complementary element 3 is mounted to a ski base 2 such that its front and rear ends are permitted to move longitudinally and its central portion 15 is permitted to move laterally. A shock-absorbing elastomeric material 50 limits and elastomerically damps the lateral movement. This deliberately permitted lateral movement is an additional degree of movement freedom relative to the Astier reference.

The Astier Reference

Figure 3 of Astier, upon which the Examiner relies, discloses a plate 13 having a central part 14 and first and second ends 15, 16. Elastomeric blocks 17, 30 are disposed at the first and second ends 15, 16. The rear end 15 includes a sloped portion (not separately numbered) such that longitudinal movement is permitted. However, the rear mounting screws and the corners at the beginning and end of the sloping portion block the rear end of the plate 15 and the rear end of the binding mounted to it from moving laterally.

As pointed out at column 4, lines 26-30, studs 26b act as a guide in longitudinal motion and function "to impede any transverse movement of the plate".

First, Astier specifically teaches *against* permitting lateral movement in favor of permitting longitudinal movement only.

Second, the rib **23b** is placed immediately adjacent the front end **16** of the plate, rather than in the middle.

Third, the rib **23b** is not elastomeric. The elastically deformable material which Astier suggests inserting is at the front and rear of the stud **23b** to damp longitudinal motion. As quoted above, Astier specifically teaches that lateral movement should be impeded.

Thus, contrary to the Examiner's assertions, item **23b** is not a lateral shock-absorbing stop made of an elastomerically deformable material.

**The Claims Are Not Anticipated By And
Distinguish Patentably Over Astier**

Claim 1 calls for a lateral shock-absorbing stop made of an elastically deformable material. Astier teaches against such a construction. Studs **23b** block lateral movement (column 4, lines 30-31). Astier only discloses longitudinal movement damped by an elastically deformable material, while teaching against lateral movement with such damping.

Moreover, the stud **23b** is mounted immediately adjacent the mounting block **17** for the leading end **16** of plate **13**. Moreover, the studs **23b** are not made of a resilient elastomeric material. Rather, such construction is limited to the front mounting block **17** and the rear mounting block **30**. Leaving aside the question of whether the elastomeric blocks **17**, **30** are shock-absorbing stops or resilient mounting blocks, these constructions are clearly disposed at the front end and the rear end of plate **13** and not in its middle portion. Accordingly, claim 1 is not anticipated by Astier.

Claims 2-7 and 10 are not anticipated by Astier. Element **23b** of Astier referenced by the Examiner is not a lateral shock-absorbing stop made of an elastomerically deformable material. The dependent claims must be read as including the subject matter of their parent claim 1.

Regarding **claim 6**, it is noted that the middle portion of the complementary piece has the hollow profile. This is not the case in Astier, where the studs are disposed at the front part of the plate **13**. Moreover, it is important to note that dependent claim 6 incorporates the limitations of its parent claim 1.

Claim 7 calls for the internal lateral rim of the complementary element to be supported by the lateral shock-absorbing member. Note the construction shown, for example, in Figure 10, where the resilient material **15** interacts with both the hollow profile and the lateral rim of the complementary element. Astier has no embodiment in which a shock-absorbing stop interacts with a side edge or lateral rim of plate **13**.

Accordingly, it is submitted that **claims 1-7 and 10** are not anticipated by Astier.

Claim 11 calls for a lateral shock-absorbing stop made of elastically deformable material. Such a stop permits, but elastically damps lateral movement of the complementary element middle portion. By contrast, the teaching of Astier is to prevent any transverse movement. The present application is thus contrary to Astier because lateral movement is possible. Moreover, in Astier, the shock-absorbing elastomeric elements **17, 30** do not interact with edge or rim of the plate **13**.

Moreover, claim **11** calls for the front and rear portions of the complementary element to be mounted to permit longitudinal displacement and block lateral displacement while the central portion of the complementary element is mounted to block longitudinal translation and permit lateral displacement. Astier completely misses this concept, teaching instead that the entire plate **13** should be permitted longitudinal motion only.

The details of these mountings, such as the orientation of the oblong mounting holes in **claim 12** are not disclosed in Astier. Moreover, because Astier teaches against lateral movement, there is no motivation to provide oblong mounting holes in a central portion of a complementary member such that lateral movement is permitted. **Claims 13 and 14** further specify the oblong hole mounting arrangement.

Claim 15 calls for a complementary longitudinal element mounted to an upper portion of a ski base such that limited lateral movement is permitted. By distinctions, studs **23b** of Astier block lateral movement while permitting longitudinal movement.

Further, claim **15** calls for a resilient shock-absorbing stop which abuts the complementary longitudinal element middle portion to limit lateral movement. Elastomeric blocks **17, 30** of Astier are disposed at the end portions of plate **13**. Studs

23b are not resilient shock-absorbing stops. Moreover, these non-resilient studs are positioned to receive the front binding **3** (note Figure 5), i.e., at the front of the plate assembly. Accordingly, **claim 15** is not anticipated by Astier.

Specification Sections

MPEP § 608.01(a) indicates that the use of section headings are "preferable". The MPEP neither requires section headings nor their form. Nonetheless, as an accommodation to the Examiner, the applicants have amended the specification to change the presentation of the headings.

Formal Drawings

As suggested by the Examiner, a substitute sheet of drawings with an amended Figure 6 is enclosed. In amended Figure 6, reference numeral **3** has been changed to reference numeral **3'**.

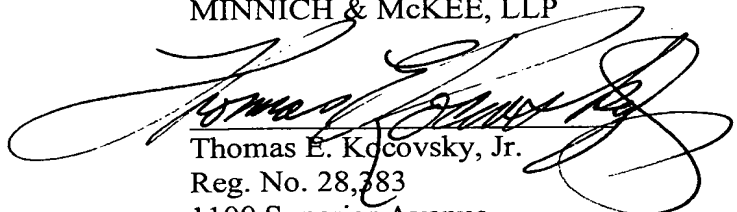
CONCLUSION

For the reasons set forth above, it is submitted that claims 1-15 are not anticipated by and that claims 11-14 distinguish patentably over Astier and the other references of record. An early allowance of all claims is requested.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he is requested to telephone Thomas Kocovsky at (216) 861-5582.

Respectfully submitted,

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